

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: JENNIFER SHERRELL BELL, L.P.N.
LicenseNumber: 0002-083320
Case Number: 170373

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11), a panel of the Virginia Board of Nursing ("Board") held a formal administrative hearing on November 14, 2016, in Henrico County, Virginia, to inquire into evidence that Jennifer S. Bell, L.P.N., may have violated certain laws and regulations governing the practice of practical nursing in the Commonwealth of Virginia.

Jennifer Sherrell Bell, L.P.N., appeared at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated October 20, 2016, the Board sent a Notice of Formal Hearing ("Notice") to Ms. Bell notifying her that a formal administrative hearing would be held on November 14, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board.

Upon consideration of the evidence, the Board adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

FINDINGS OF FACT

1. On September 9, 2010, the Board issued License Number 0002-083320 to Jennifer Sherrell Bell, L.P.N. to practice practical nursing in the Commonwealth of Virginia. Said license is scheduled to expire on July 31, 2018. At all times relevant hereto, said license was in full force and effect. Her primary state of residence is Virginia.

2. On August 20, 2012, in the General District Court of Chesterfield County, Virginia, Ms. Bell was convicted of driving while intoxicated, first offense. She was sentenced to 12 months in jail, suspended, and ordered to complete the Virginia Alcohol Safety Action Program (“VASAP”) and pay court costs and fines totaling \$491.00.

3. On May 3, 2013, Ms. Bell entered the Health Practitioners’ Monitoring Program (“HPMP”) due to alcohol abuse and mental illness. On October 21, 2015, she was dismissed from the program due to noncompliance with the toxicology screening program, which included testing positive for alcohol on February 9 and October 1, 2015.

4. On December 26, 2013, Ms. Bell underwent a neuropsychological evaluation and was diagnosed with memory impairment. Further, the evaluator reported that it was unclear if Ms. Bell would be able to successfully return to nursing practice.

5. On October 6, 2015, Ms. Bell’s counselor at the Chesterfield Community Services Board declined to write her a letter releasing her to work in healthcare and recommended that Ms. Bell continue with her treatment and medications and more closely address her substance abuse recovery.

6. On January 26, 2016, during an interview with an investigator from the Department of Health Professions, Ms. Bell’s psychiatrist reported that Ms. Bell was told to refrain from nursing practice due to her mental health.

7. Ms. Bell told the Board that she was not dismissed from the HPMP, and that she received a letter asking if she wanted to continue in the program, to which she responded by saying she did not want to continue. However, the evidence revealed that she was in fact dismissed from the program. The case manager from the HPMP testified that typically the program does not send letters asking participants if they want to continue in the program. Ms. Bell told the Board that she will never reenter the HPMP.

8. Ms. Bell testified that she was depressed after getting a DUI so she went to a counselor at Chesterfield Community Services Board (“CSB”). She told the Board that she received a letter from them clearing her to be on her own, but documentary evidence revealed that her social worker asked for her case to be closed due to Ms. Bell’s failure to attend her sessions. When questioned about this, Ms. Bell then testified that she stopped going to Chesterfield CSB because she started seeing a new doctor. However, she stated that she did not see the new doctor until at least two months after her case closure.

9. Ms. Bell first testified that her date of sobriety was August 14, 2013. Later in the hearing she stated her sobriety date was October 14, 2013. However, evidence revealed that she admitted she drank wine with her family after Thanksgiving in December 2013. She told the Board that she sometimes attends Alcoholics Anonymous meetings, but she has not attended a meeting since early 2016; she said that she has a sponsor that she speaks with regularly. Ms. Bell was unable to identify what step number she had completed, as she did not attend step meetings. Ms. Bell told the Board that she is an alcoholic who chooses not to drink.

10. Ms. Bell testified that she is under the care of a psychiatrist and two mental health counselors. She also stated that she is prescribed Zoloft for depression. There was no other evidence provided regarding this care after January 2016. In regard to the documentary evidence that several health care providers did not recommend her reentering practice, Ms. Bell told the Board that she does not think it is fair for mental health providers to say if she should practice or not.

11. Ms. Bell testified that the last time she practiced hands-on nursing was in June 2012.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 2-6 constitute a violation of Virginia Code § 54.1-3007(6).

2. Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Ms. Bell's health records or health services.

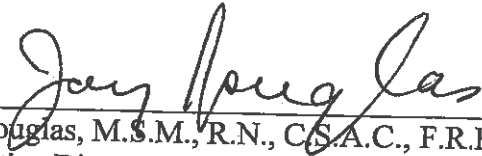
ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS as follows:

1. The license issued to Jennifer Sherrell Bell, L.P.N., to practice practical nursing in the Commonwealth of Virginia is INDEFINITELY SUSPENDED.
2. The license of Jennifer Sherrell Bell, L.P.N., will be recorded as SUSPENDED.
3. This suspension applies to any multistate privilege to practice practical nursing.
4. Should Jennifer Sherrell Bell, L.P.N., seek reinstatement of her license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Ms. Bell to demonstrate that she is safe and competent to return to the practice of practical nursing. Ms. Bell shall be responsible for any fees that may be required for the reinstatement and/or renewal of the license prior to issuance of the license to resume practice.

Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD



Jay Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing

Certified True Copy

By *dgraham*
Virginia Board Of Nursing

ENTERED AND MAILED ON:

November 30th, 2016

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.